

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CHEETAH OMNI LLC,)
a Texas Limited Liability Company,)
)
Plaintiff,)

vs.)

1. SAMSUNG ELECTRONICS)
AMERICA, INC., a Delaware Corporation,)
and)
2. MITSUBISHI DIGITAL)
ELECTRONICS AMERICA, INC.)
a Delaware Corporation.)
)
Defendants.)
)

HONORABLE LEONARD DAVIS

CIVIL ACTION NO. 6:08-cv-279

FINAL JUDGMENT

This final judgment is entered pursuant to Fed.R.Civ.P. 58 and the parties' Joint Stipulation for Dismissal of Defenses and Counterclaims and for Entry of Final Judgment of Non-Infringement. It is hereby **ORDERED, ADJUDGED** and **DECREED** that:

1. Mitsubishi Digital Electronics America, Inc. ("Mitsubishi") sells DLP televisions that Cheetah Omni, LLC ("Cheetah") accuses of infringement of U.S. Patent No. 7,339,714 (the "714 patent").¹ Those televisions utilize an incandescent light source (*i.e.*, a lamp) to generate white light that is processed by the television to generate a color image on the television screen. The white light that the lamp generates does not meet the "optical signal" limitation of the asserted claims (claims 18 and 19) as the Court has construed that term, namely a "light beam carrying information." The white light that is generated does not "carry information," and thus does not infringe the asserted claims, as construed. For this reason, the Court **GRANTS** the parties' Joint Stipulation for Entry of Final Judgment of Non-Infringement.
2. Mitsubishi asserts several defenses and three counterclaims against Cheetah for declaratory judgment of unenforceability of the '714 patent. (Dkt. #80.) In view of the Joint Stipulation for Entry of Final Judgment of Non-Infringement, and to promote judicial economy, the Court **GRANTS** Mitsubishi's stipulation of dismissal of its defenses and counterclaims without prejudice to Mitsubishi's right to raise those claims and defenses in the future.

¹ Cheetah and Mitsubishi have previously stipulated to dismiss all claims and counterclaims regarding the other patent that Cheetah asserted against Mitsubishi in this lawsuit, United States Patent No. 7,116,862. (Dkt. # 121-0.)

3. **FINAL JUDGMENT** is entered. Cheetah shall take nothing of and from its claim against Mitsubishi, and each party shall bear its own costs and attorneys' fees.
4. All relief not specifically granted herein is **DENIED**.
5. This is a final, appealable judgment.

So ORDERED and SIGNED this 30th day of December, 2009.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE